

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 07-50119-AWB
)	
Plaintiff,)	
)	
vs.)	ORDER GRANTING TENTH
)	MOTION TO CONTINUE
CRUZ ESQUIVEL MENDOZA,)	
a/k/a DANIEL ESQUIVEL)	
)	
Defendant.)	

Defendant moves for a 30-day continuance in the above-captioned case. Docket 36. Defendant requests this continuance to allow him additional time to locate witnesses, complete the investigation, and prepare for trial. The Government does not object to this continuance and notifies the Court that it expects this case to resolve without trial. The Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. However, the Court has already warned the parties that it would not grant another continuance in this case. **The Court now notifies the parties that the deadline for a plea agreement is February 10, 2009, and failure to file a plea agreement by that date will not be excused by this Court. This Court will not continue the jury trial in this case under any circumstances.** Based on the foregoing, it is therefore

ORDERED that Defendant's motion is granted. The following deadlines shall apply:

Applications for Writ of Habeas Corpus Ad Testificandum	February 3, 2009
Other motions	February 10, 2009

Responses to motions due	Within five days after motion is filed
Subpoenas for trial	February 10, 2009
Plea agreement or petition to plead and statement of factual basis	February 10, 2009
Notify court of status of case	February 10, 2009
Motions in limine	February 17, 2009
Proposed jury instructions due	February 17, 2009
Jury trial	Tuesday, February 24, 2009 at 9 a.m.

The period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense must commence. 18 U.S.C. § 3161(h)(8)(A).

All other provisions of the court's standing order remain in effect unless specifically changed herein.

Dated January 14, 2009.

BY THE COURT:

/s/ Andrew W. Bogue

ANDREW W. BOGUE
SENIOR DISTRICT JUDGE